Appl. No. 09/743,241   Attorney Docket No. 81922.0004
Amdt. Dated February 6, 2006   Customer No.: 26021
Reply to Office Action of October 6, 2005

REMARKS/ARGUMENTS

Minor changes are made to this specification. New claims 32-34 have been added. Claims 1-12, 15-16, 19-20, 22-24, and 28-30 are canceled. Claims 13, 17, and 31 are the independent claims. Claims 13, 14, 17, 18, 21, 25-27, and 31-34 are pending in application. Reexamination and reconsideration of the application are respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103(a)

Claims 13, 14, 17, 18, 21, 25-27, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Irube et al. (U.S. Patent No. 6,377,818) in view of Makino (JP 04-165853A). Claim 21 stands rejected under § 103(a) over Irube in view of Makino as above, and further in view of Tokano (U.S. Patent No. 5,838,577). Claims 26-27 stand rejected under § 103(a) over Irube in view of Makino as above, and further in view of Rostoker et al. (U.S. Patent No. 5,793,416). Applicant respectfully traverse the rejection below.

The present invention is directed to a visual telephone system in which a visual telephone function is appended to a mobile communication terminal having a telephone function and a data communication function. The independent claim 13 of present invention is recited below:

"A mobile communication terminal having a

telephone function, a data communication function, and a

visual telephone function, comprising:

a camera including an image sensor which picks up

images;

a data type identifying unit which identifies

whether in-coming information, that is received from the

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outside of the mobile communication terminal when a call is received, is sound data, text data, or image and sound data, based on a data type information which was appended in advance as a header to in-coming information;

a registering unit which stores a plurality of application programs including at least an application program for executing the visual telephone function;

a display unit which displays images;

a sound output unit which audibly outputs sound; and

a control unit which activates an application program, displays contents, and outputs contents in correspondence with the data type information, which is appended to in-coming information."

INDEPENDENT CLAIM 13

The applied references do not disclose or suggest the above features of the present invention as recited by independent claim 13. In particular, the applied references do not disclose or suggest, "a data type identifying unit which identifies whether in-coming information, that is received from the outside of the mobile communication terminal when a call is received, is sound data, text data, or image and sound data, based on a data type information which was appended in advance as a header to in-coming information," as required by independent claim 13.

Moreover, the applied references do not disclose or suggest, "a registering unit which stores a plurality of application programs including at least an

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application program for executing the visual telephone function," as required by

independent claim 13.

    Furthermore, the applied references do not disclose or suggest, "a control unit

which activates an application program, displays contents, and outputs contents in

correspondence with the data type information, which is appended to in-coming

information," as required by independent claim 13.

THE IRUBE REFERENCE

    Irube is directed to a communication terminal apparatus combined with a

handset with high portability. (See, Irube; Col. 1, lines 4-5). According to Irube, the

communication terminal apparatus is separated into a housing capable of

video/voice communications, and a housing capable of only voice communications.

(See, Irube; Abstract).

    Irube does not teach or suggest the above features of independent claim 13.

The Office Action recognizes the deficiencies of Irube, and asserts that Makino

remedies deficiencies. (See, Office Action; Page 3, fourth line from the bottom – Page

4, line 6).

THE MAKINO REFERENCE

    Makino is directed to a video telephone connected to the telephone network

via an ISDN protocol. (See, Makino; Fig. 1). According to Makino, the video phone

automatically adjusts transmitting speed depending on the transmission data type

and the receiver number. The transmission data type may include data, voice, or

picture data type. (See, Makino; Abstract). When making a call, the user enters the

receiver number and transmission data type via keypad (7). A control circuit (1)

retrieves Layer 3 information from a ROM (3), base on the entered receiver

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identification and transmission data type. The retrieved Layer 3 information is used by the network terminal circuit (2) and B channel selector (8), which selects the source of the transmission data. The sources of the transmission data includes voice terminal (11, 15), data terminal (21, 22), and picture terminal (27, 28). (*See, Makino; Constitution, lines 1-8, Fig. 1*).

When receiving a call, the control circuit receives the transmitting capacity type from the network terminal, and switches the B channel selector to select one of the above transmitting mean that matches with the transmitting capacity. (*See, Makino; Constitution, lines 8-12, Fig. 1*). Applicant notes "transmitting capacity" is a common Japanese term referring to the speed of transmission (Kb/s).

Applicant respectfully submits that Makino is directed at a landline video telephone, and not a mobile communication device, which is the subject matter of the present invention. Applicant notes the ISDN is a protocol transmitted through landline telephone network, and not a mobile telephone system. Accordingly, Applicant respectfully submits that Makino is not an analogous art to the present invention, and thus cannot be combined with Irube to obtain the features of independent claim 13.

Moreover, Applicant respectfully submits that Makino does not teach or suggest, "a registering unit which stores a plurality of application programs including at least an application program for executing the visual telephone function," as required by independent claim 13. The Office Action cites the ROM (3) of Makino as the registering unit which stores a plurality of application programs. (*See, Office Action; Page 4, lines 8-10*). Applicant notes the ROM stores the Layer 3 information of the outgoing call. (*See, Makino; Constitution, lines 4-6*). However, the Office Action also asserts that the above Layer 3 information is the header information. (*See, Office Action; Page 4, lines 7-8*). Applicant respectfully submits

that Makino either discloses a registering unit storing the header information, or a register unit storing application programs, but not both. Makino thus does not teach or suggest the above feature of independent claim 13.

Moreover, Applicant respectfully submits that Makino does note teach or suggest, "a data type identifying unit which identifies whether in-coming information, ... is sound data, text data, or image and sound data, based on a data type information which was appended in advance as a header to in-coming information," as required by independent claim 13. As noted above, Makino teaches the control unit determines the received data type base on the transmitting capacity, or transmitting speed. Neither transmitting capacity, nor transmitting speed can be said to be equivalent to headers appended to the transmitting information. Makino thus does not teach or suggest the above feature of independent claim 13.

Furthermore, in light of the above deficiency, Makino cannot not be said to teach or suggest, "a control unit which activates an application program, displays contents, and outputs contents in correspondence with the data type information, which is appended to in-coming information," as required by independent claim 13.

THE TOKANO REFERENCE

The Tokano reference is directed to an electrical apparatus capable of being connected to a multiple types of peripheral devices. (*See, Tokano; Col. 1, lines 60-8*). According to Tokano, the electrical apparatus includes connecting means, power supply means, comparing means for comparing the power of the power supply means to a predetermined level, and notification means for notifying usable peripheral devices based on the result of the comparing means. (*See, Tokano; Col. 3, lines 53-63*).

Tokano is not seen to remedy to deficiencies of Irube and Makino.

THE ROSTOKER REFERENCE

The Rostoker reference is directed to an RF communication system for receiving and transmitting audio, video, and data signals. (See, Rostoker; Col. 1, lines 7-10). According to Rostoker, the communication unit may be a video phone. Video signals are processed by the video telephone using fast digital-to-analog converters, compression algorithms and a dither technique. (*See, Rostoker, Col. 2, lines 27-33*).

Tokano is not seen to remedy to deficiencies of Irube and Makino.

In view of the foregoing, the applied references do not teach or suggest the above features of the present invention as recited in the independent claim 13.

Since the cited references fail to disclose, teach or suggest the above features recited in independent claim 13, these references cannot be said to anticipate or render obvious the invention which is the subject matter of the claim.

Accordingly, independent claim 13 is believed to be in condition for allowance and such allowance is respectfully requested.

Claims 14, 26 and new claim 32 depend from independent claim 13 are therefore also believed to be in condition for allowance.

INDEPENDENT CLAIMS 17 AND 31

Applicant respectfully submits that independent claims 17 and 31 are allowable for the least the same reasons as those discussed in connection with independent claim 13.

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Claims 18, 21, 25, 27 and 33 depend from independent claim 17 and are therefore also believed to be in condition for allowance. New claim 34 depends from independent claim 31 and is therefore patentable for the same reasons as claim 31. Withdrawal of the rejection and allowance of these claims is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: February 6, 2006

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